

CITY OF SNYDER

Personnel Policy

Officially Adopted By The

SNYDER CITY COUNCIL

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PERSONNEL POLICIES

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SECTION I GENERAL

Introduction

This manual is designed to acquaint you with the City of Snyder ("City") and to provide you with information about working conditions, employee compensation and benefits, and some of the policies affecting your employment. You should read, understand and comply with all provisions of this manual. No employee manual can anticipate every circumstance or question that may arise, and as the City grows, the policies may need to be changed. As a result, the City reserves the right to revise, supplement or rescind any policy or portion of this manual as it deems appropriate. These changes will be communicated to you verbally or in writing and via future revisions to the manual.

This manual is not intended to create any contractual obligation or legal right. All City employees are employed "at will," which means that either the employee or the City may end the relationship at any time, with or without notice, and with or without articulating a reason. Only the City Manager with the approval of the City Council has the authority to modify the at-will employment arrangement or make changes to the policies explained in this manual.

1.1 Government of the City of Snyder:

In 1952, the citizens of Snyder adopted a Home Rule Charter embracing the Council-Manager form of government.

The citizens are the stockholders, the City Council is the board of directors, and the City Manager is the chief administrative and business officer. The Council-Manager plan offers several advantages:

- It puts the city's government on a business-like basis.
- It places the responsibility for the over-all administration of the city government on the City Manager and frees the Mayor and Council from making detailed decisions (allowing them to devote their time to major policy decisions).
- It places each department under the direction of the City Manager who, in turn, is responsible to the City Council for efficient operation of the city government.

1.2 Discrimination in Employment Policies and Practices:

A. Equal Employment Opportunity

The City has a continuing policy to afford equal opportunity to all employees and applicants for employment without regard to race, color, religion, age, sex, disability, national origin or veteran status. This policy applies to all personnel actions including recruitment, hiring, training, promotions, compensation, benefits, transfer, layoffs and termination.

It is the City's policy to provide a work place free of harassment on the basis of race, color, religion, age, sex, disability or national origin or veteran status. It's the City's objective to provide a pleasant and businesslike work environment. To this end, sexual or other harassment, including unwelcome verbal or physical advances or any other job related conduct that would be interpreted as harassment, does not belong in our work place and will not be tolerated.

If you believe that you or someone else has been denied equal employment or subjected to harassment you should immediately contact your supervisor. If this action seems inappropriate due to the source of the harassment, you can contact the Personnel Director at City Hall. Because the City feels very strongly about this policy, all complaints of harassment or discrimination will be promptly investigated. Confidentiality will be respected, to the extent possible, and there will be no retaliation against persons who make known their good faith complaints or assist in the investigation of such complaints.

Any employee who violates this policy will be subject to disciplinary action up to and including termination.

B. Sexual Harassment Policy

The City of Snyder will not tolerate harassment of its employees, whether committed by a fellow employee, a member of management, or a visitor to our workplace, such as a vendor or citizen. All employees are responsible for ensuring that the workplace is free from harassment, especially when such conduct is based upon gender, race, age, religion, national origin, disability or other protected categories. All employees, including managers and supervisors, will be subject to disciplinary action, up to and including discharge from employment, for any act of harassment they commit.

Examples of prohibited harassment include, but are not limited to:

- Use of slurs, epithets, and words that degrade an individual, even when used in a joking fashion;
- Unwelcome advances, demands or requests for sexual acts or favors, and other verbal or physical conduct of a sexual nature, such as flirting, touching and graphic comments about another person's dress or body;
- Display of cartoons, photographs, drawings, pinups, posters, calendars, or images that are offensive or degrading to others;
- Conduct which has the purpose of substantially interfering with an individual's work performance or which creates an intimidating, hostile or offensive work environment; or
- Conditioning hire, continued employment, or terms and conditions of employment upon submission to sexual advances or requests for sexual favors.

However, conduct or actions that arise out of a consensual personal or social relationship or that are not intended to have a discriminatory effect may not be viewed as harassment. Management will determine whether conduct constitutes harassment based on a reasonable investigation of the facts and circumstances in each situation.

If you feel you are being harassed, or if you have knowledge of harassment of a co-employee, immediately bring it to the attention of your supervisor. If for any reason you do not feel comfortable discussing the matter with your supervisor, contact the Personnel Director, or any member of management whom you feel comfortable in approaching. All reports will be promptly investigated in as confidential a manner as possible. Based upon the findings of the investigation, the City will take prompt and appropriate action to remedy any violations of this policy.

No employee who brings a good faith report of harassment to the attention of the City will suffer retaliation or other adverse employment action as a consequence. Any employee, including managers and supervisors, who is found to have retaliated against an employee who reported a violation of this policy, in good faith, will be subject to discipline up to and including discharge from employment. It is important for employees to report incidents of harassment, because without your assistance, violations could go undetected and unremedied.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, the public official for whom the employee works, or the Personnel Director. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of

employment.

1.3 Selection and Employment:

Selection of personnel will be made primarily on the basis of competence and integrity.

At the option of the City, competitive examinations may be administered to applicants for any position.

An appropriate physical examination shall be required of each applicant who has been made an offer of employment. Should the examination's results indicate that the person would be unable to fulfill the requirements of the opening with reasonable accommodation; the job offer will be withdrawn. Costs of the physical examination will be borne by the City.

1.4 Conditions of Eligibility:

Employment applications may be rejected from any applicant:

- Whose application clearly indicates that minimum qualifications for the position are not fulfilled.
- Whose application is not completely filled out and signed.
- Who has been convicted of a felony or who has a deferred adjudication
- Who has practiced or attempted fraud or deception in any statement of fact in his application.
- Who is an immediate family member of any City employee. The City Manager may waive this policy when such condition is clearly in the best interest of the City.

It is the policy of the City not to employ a person who is related to another person employed by the City. This policy applies as follows:

1. To persons related within the second degree of affinity or within the third degree of consanguinity to members of the City Council or City Manager:
2. To persons related within the second degree of affinity or within the third degree of consanguinity to other persons within the same department of the City;
3. To situations resulting from marriage after employment as well as before.

If two persons employed by the City become related as defined herein after initial employment, the two individuals involved must notify the Personnel Director sixty (60) days after becoming related as to which of the two will remain employed with the City. Should the two employees be unable to reach a decision amongst themselves, the City will release the most junior employee based upon seniority. Applicable wages in lieu of further notice will be distributed to the released employee.

SECTION 2 PROBATION

2.1 Probationary Conditions:

Each newly hired employee will be considered a probationary employee for the first six months of service. Performance of the employee will be carefully observed by the supervisor in order to evaluate the work of the employee and aid in adjustment to the job. Successful completion of the probationary period does not vest an employee with any property rights in their job or alter the "at-will" status of an employee.

2.2 Promotions and Transfers:

Each promoted and transferred employee will be on probation for the first three months in the new position. If the promoted or transferred employee does not successfully complete the probationary period, the employee will be moved back to the prior position if it is still open, be moved to a position with the same qualifications as the prior position if one exists, or be terminated.

SECTION 3 ATTENDANCE

3.1 Late for Work:

Any employee who will be late for work for any reason shall call his or her supervisor immediately before working hours so arrangements can be made to carry out the employee's duties. Failure to notify the supervisor may be grounds for disciplinary action.

The employee will not be allowed to make-up the time unless pre-approved and required by the supervisor.

3.2 Absence from Work:

Time off for regular employees will not be figured in increments of less than one-quarter day (two hours), with the option to take compensatory time if available and approved to be used.

3.3 Emergency Duty:

Employees who are exempt from the overtime provisions of the Fair Labor Standards Act shall receive no additional compensation for answering a call back to duty. All other non-exempt employees shall be paid only for actual time worked.

An employee who has been paged should determine the nature of the call within five (5) minutes of being paged, and if needed on duty, should respond immediately.

SECTION 4 COMPENSATION AND HOURS

4.1 Job Classification Plan:

A. Administration

1. The Personnel Department shall be responsible for the continuous administration of the classification plan.
2. The Personnel Department shall prepare class specifications and job descriptions in cooperation with the individual supervisors. The Personnel Department will submit recommendations to the City Manager whose review and approval is required. Job descriptions are primarily descriptive and not restrictive concerning job duties, except as to the minimum qualifications required.

B. Job Classification

1. The job classification plan shall group all positions into classes based on the duties, authority, and responsibilities of each. The Personnel Department shall establish a job title for each class or position. Official titles shall appear on all City records, payrolls, and communications.

2. **At-will Status Maintained.** The procedures discussed in this policy are only guidelines. The City may, at its discretion, modify or revoke them in whole or in part at any time. Nothing within this section shall in any way alter the at-will status of employees.
3. **Categories of Employment.** At the time of employment, each employee shall be classified within one of the following categories:
 - a. **Regular Full-time Employees.** Employees appointed to an authorized, regular position that involves forty (40) hours per week or more are categorized as regular full-time. Employees in this category may be salaried or paid by the hour. They are eligible for the City's benefits package subject to the terms, conditions, and limitations of each benefit program.
 - b. **Regular Part-time Employees.** Employees appointed to an authorized, regular position that involves less than forty (40) hours per week are categorized as regular part-time. Employees in this category shall be paid by the hour and shall not be eligible for benefits sponsored by the City.
 - c. **Seasonal Employees.** Employees hired to work for a period expected to last less than one (1) year are categorized as seasonal. Employees in this category shall be paid by the hour and shall not be eligible for benefits sponsored by the City.
 - d. **Change in Category.** For benefit purposes a part-time or seasonal employee who attains regular full-time employment is considered as being hired when his/her classification changes.
4. **Modifications.** A supervisor wishing to establish a new position or modify an existing one shall submit a written request to the Personnel Department. The Personnel Department shall review the request and present it, along with recommendations, to the City Manager for final review and approval.
5. **Periodic Review.** The Personnel Department shall periodically review all positions in a single department or all positions in a particular group. As a result of the study, the Personnel Department may submit to the City Manager a recommendation to re-evaluate individual positions.

4.2 Compensation Plan:

- A. **Administration.** The Personnel Department shall be responsible for the continuous administration of the compensation plan.
- B. **Contents.** The compensation plan shall list all job titles covered in the classification plan together with the rates of pay for each. The compensation plan is based on such economic considerations as the following: essential qualifications; general rates of pay for comparable work in the area and at-large; merit; cost-of-living data; benefits offered employees; and the financial position of the City.
- C. **Periodic Review.** The Personnel Department shall periodically review the compensation plan. Based on the findings, the Personnel Department may recommend to the City Manager changes in the compensation plan or in the pay ranges for individual positions. Changes shall become effective upon the City Manager's approval.

- D. **Starting Wage or Salary.** The minimum rate of pay for a classification normally shall be paid upon the original appointment. The City Manager may authorize a higher rate when an employee possesses exceptional qualifications or when qualified employees cannot be recruited at the lower rate.
- E. **Maximum Wage or Salary.** No employee shall be paid more than the maximum rate for his/her position classification unless authorized by the City Manager.
- F. **Change in Classification.** When an employee changes to a new position or classification, his/her rate of pay may be adjusted to fall within the new position's compensation range. The employee's supervisor shall make recommendation to the Personnel Department when an adjustment is necessary.
- G. **Merit Raises.** Merit raises provide for pay increases to reward an employee's demonstrated ability, job performance, dependability, and efficiency. The City Manager must approve all merit raises.
- H. **Effective Date.** All changes in compensation shall take effect as of the first day of the next pay period. Annual increases take effect the first day of the new year.
- I. **Changes.** The City reserves the right to change, modify or revise wages, benefits, and conditions of employment at any time with or without notice.
- J. **On Call/Stand-By Pay.** Two employees in the Street, Water Distribution, and Sewer Lines departments will be designated as on-call for service calls after scheduled hours. The designated employees should be able to respond within 20 minutes of notification of concern. The rate of on-call pay will be \$12.00/day and a one hour minimum for each call-out.

4.3 Hours of Work:

The hours during which City offices and departments are open for business shall be determined by the City Manager.

- A. **General.** The normal hours of work for most City employees are 8:00 a.m. to 5:00 p.m., with one (1) hour for lunch, Monday through Friday, for a total of forty (40) hours per work week.
- B. **Due to the nature of their operations,** the police, fire, water and sewer plants, and landfill departments normally work different schedules. Work schedules for these departments will be determined by the respective department head, with approval by the City manager.
- C. **All employees should be at their work in accordance with the general regulations or in accordance with any special departmental regulations.** Prompt appearance for work at the specified time is required for all employees.
- D. **Work Week.** For record keeping purposes and compliance with federal law, the City defines a work week as a period beginning at 12:01 a.m. on Saturday and terminating at 12:00 midnight seven consecutive days later on the following Friday.
- E. **Definition of a Day.** A "day" is the number of hours which an employee normally works during a shift. Most employees work an eight-hour day. Employees on a compressed-work-week schedule work a longer day.
- F. **Fire Department.** A firefighter's work day shall consist of a twenty-four hour period

which shall be considered two (2) twelve-hour shifts worked consecutively. One shift begins at 7:31 a.m. and ends at 7:30 p.m., and the other shift begins at 7:31 p.m. and ends at 7:30 a.m. the following day. Within the Fair Labor Standards Act exemption allowance of Section 207 (k), the City has adopted a fourteen-day consecutive work period for fire protection personnel.

4.4 Employee Time Card Reporting of Hours Worked:

Each employee shall be responsible for punching his/her own time card. No one should punch in earlier than 5 minutes before the shift begins and no later than 5 minutes after the shift ends unless approved overtime is involved. The employee's signature is required to be on each time card, which acknowledges that the hours worked, as shown, are correct. Any overtime hours recorded must have a written explanation. Time cards are to be reviewed and signed by the employee's supervisor. Time cards for the two-week pay period must be submitted to the Personnel Department by 12:00 noon on the Monday before payday.

All non-exempt employees must keep accurate records of their work time, using time cards provided by the City, as these cards provide the basis for your compensation. Employees must never punch in or out for another employee. Any employee who falsifies his or her own time card or who punches in or out for another employee will be subject to discipline up to and including immediate discharge. If you make an error on your own time card or mistakenly punch another employee's time card, contact your supervisor immediately. Any changes on a time card must be initialed by the employee and the supervisor.

4.5 Pay Periods:

All employees shall be paid by check or Direct Deposit on Friday of every other week. The Personnel Department will prepare the payroll payment for the two-week period ending at midnight on the previous Friday. A shift beginning before midnight will not be split between pay periods. Pay periods may be changed by the City Manager. Generally, if a payday falls on a holiday, paychecks are distributed on the business day before the holiday; however, final determination of paycheck preparation and distribution in such an instance is reserved for the City Manager. Paychecks will not be issued other than on designated paydays. No advances or loans against future earnings will be made to any employee for any reason.

4.6 Paycheck Delivery:

The Personnel Department shall release paychecks to designated supervisory employees responsible for proper distribution of such within the departments. If an employee is not present to personally receive his/her check, the check must be returned to the Personnel Department. An employee must notify the Personnel Department in writing if he/she wishes to grant a representative the power to receive a paycheck on his/her behalf. Paychecks will be issued only to the employee unless the City has written authorization from the employee authorizing release to another person. Direct Deposit is also available to all employees.

4.7 Payroll Deductions:

Gross pay, deductions, and net pay will be shown on each paycheck stub. Federal income taxes, Federal Social Security, Court-ordered child support, other deductions required by law, and eligible employees' retirement contributions will be deducted automatically. The Personnel Department is the only one authorized to receive an order requiring payment of a portion of an employee's wage to someone other than the employee. The Personnel Department will notify the affected employee immediately upon receiving notice. Deductions from pay shall not exceed that permitted by law. No other deductions will be made unless required or allowed by law, contract, or employee obligation and approved by the City Manager. An employee must sign an authorization form authorizing the City to make deductions from his/her paycheck.

4.8 Responsibility to Notify:

Each employee is responsible for reporting changes in family status and other factors affecting payroll withholdings or benefits. The appropriate forms are available in the Personnel Department.

4.9 Rest Periods:

If authorized by their immediate supervisor, employees may take two (2) rest periods each work day. The rest periods are not to exceed fifteen (15) minutes each. Said rest periods shall be considered a privilege, not a right, and shall never interfere with proper performance of the work responsibility and work schedule of each department. Rest periods cannot be accumulated for other purposes such as vacations, time off, or as a means of leaving the job early. Abuse of rest periods is grounds for disciplinary action. The supervisor shall determine when and where the rest period shall occur. When necessary, the supervisor may allow reasonable variations in frequency and/or duration of rest periods.

4.10 Overtime:

Overtime pay is required for non-exempt employees, except firefighters, whose hours worked exceed forty in a work week. Paid time off that is not worked, such as holidays, vacation, and leaves, is not counted as "hours worked" for the purpose of calculating overtime. Employees are not allowed to work overtime unless it has been approved in advance by a supervisor. Each employee's time card should be accurately recorded to reflect all time actually worked. Under no circumstances should an employee work "off the clock," and any such request from an employee should be reported to the Personnel Director immediately.

The City allows overtime only in cases of emergencies, special circumstances, or when specifically authorized ahead of time. In order for overtime to be authorized, an employee must have his/her supervisor's approval. The Fair Labor Standards Act (FLSA) governs many of the practices pertaining to hours worked beyond certain maximums within a given work period. The City will fully comply with the requirements of law.

- A. Non-exempt Employees. Those employees who are not exempt from the overtime provisions of the FLSA shall be compensated at the rate of one and one-half (1 ½) times their regular hourly rates.
 1. For most employees, the City pays overtime after an employee has actually worked forty (40) hours within a seven-day work period.
 2. For fire personnel, the City pays overtime after an employee has actually worked in excess of 106 hours within a 14-day work period. This complies with Section 207 (k) of the FLSA.
 3. The FLSA requires only hours actually worked to be considered in determining overtime compensation. The City, however, also allows time spent participating in a Court proceeding on behalf of the City to count toward hours worked.
- B. Exempt Employees. Certain employees are exempt from FLSA overtime provisions because of the nature of their duties. Exempt employees are expected to render necessary and reasonable overtime services with no additional compensation. The salaries of such employees are established with this condition in mind.
- C. Designations. Each job description shall designate if the position is classified as exempt or nonexempt.

4.11 Compensatory Time:

Instead of receiving cash payment for overtime worked, a nonexempt employee may be granted compensatory time. Taking compensatory time off from work should be scheduled so as not to interfere unduly with City operations. Supervisor approval is required.

- A. Same Work Week. The employee shall receive equal time off if the time off is taken within the same work week.
- B. Different Work Week. If the employee is unable to take off during the same work week, the overtime hours worked will be credited to the employee's "compensatory time bank." Compensatory hours are banked at one and one-half (1 ½) times overtime hours worked.
- C. Maximum Accruals. Certain departments encourage employees to maintain minimum balances in their compensatory time banks. This helps to ensure that employees will receive a normal paycheck even when work cannot be performed due to such things as bad weather. Maximum accruals of compensatory time shall be set by each Department Head up to a maximum of 40 compensatory hours in his/her compensatory time bank. Any hours worked beyond the maximum allowed shall be paid as overtime.
- D. Termination. Upon leaving the service of the City, an employee will be paid for any time remaining in his/her compensatory time bank. Since the accumulated hours are already recorded at time and a half, the balance will be paid based upon the employee's final hourly rate of pay.

SECTION 5 PROMOTION AND CHANGE OF STATUS

5.1 Promotion:

It is the policy of the City to provide promotional opportunities whenever possible to existing employees.

5.2 Transfer:

When job openings occur, preference will be given to current employees assuming all qualifications for the position are met. Whenever a vacancy occurs in one department and an employee in another department wishes to transfer to that position, he or she should contact his or her department head first, and the department head having the vacant position. Transfer may be made only with the approval of the two department heads concerned and the City Manager. Applications are available at the Texas Workforce Commission located at Western Texas College.

5.3 Reduction in Grade:

An employee's grade (pay range) may be reduced as a result of performance, evaluation, transfer, or reclassification. A notice of reduction-in-grade resulting from unsatisfactory performance by an employee will be in writing and will explain the reasons for the reduction.

SECTION 6 VACATIONS

6.1 Vacation:

Vacations are computed on the last day of the month including the "anniversary date" - - that is, the date on which an employee began working for the City as a regular, full-time employee.

After the first anniversary of service, full-time regular employees are eligible to take ten days of

vacation time each year up through ten years of service. After completing ten years of service, the employee will be eligible to take fifteen days of vacation time; and after completing twenty years of service, the employee is eligible to take twenty days.

Fire Department employees on 24-hour shift are eligible to take 4 shifts after years 1 through 09, 6 shifts in years 10-19, and 8 shifts 20 years and over.

Employees who terminate their employment in good standing will be paid for any accumulated vacation time. Employees who are dismissed from service for any of the reasons listed in Section 9.4 will not receive pay for accumulated vacation.

Employees will be required to take their vacation time each year with no carry over from year to year, with the following exception: five vacation days may be carried over for three months for the City Manager, Directors, and Department Head and Superintendent positions.

Completed Years of Service	Vacation Days Eligible Per Year
01-09	10 days
10-19	15 days
20+	20 days

Employees are entitled to use earned vacation on the first day of the month following the anniversary month.

A regular full-time employee may sell his/her accrued vacation time for cash under the following conditions:

- Employee must be employed for one year prior to the request.
- Employee can only make a request of 40 hours (48 hours for fire fighters) one time a year.
- Employee may not cash out less than 40 hours of vacation (48 hours for fire fighters).
- Employee must make a request five days prior to payroll and the cash out will be subject to taxes and retirement.
- Vacation cash out will only be issued through regular payroll.
- Request must be submitted on approved form.

This policy does not apply to sick leave. The Sick Leave policy will remain the same.

SECTION 7 HOLIDAYS

7.1 Holidays:

The following are holidays for full-time City employees:

January 1	New Year's Day
Month of April	Good Friday
Month of May	Memorial Day
July 4	Independence Day
1 st Monday in Sept.	Labor Day
Month of October	Columbus Day
November 11	Veterans Day
4 th Thurs. & Friday in Nov.	Thanksgiving Day and Friday after
December 24 & 25	Christmas Eve & Christmas Day
Floating Holiday	Employees choice of day and with Dept. Head approval, to be used during the fiscal year

Part-time employees are not eligible for holiday pay.

Holidays which fall on Saturday will be observed on the preceding Friday. If the holiday falls on Sunday it will be observed on the following Monday.

Employees who are required to work on a designated holiday shall be granted a subsequent day off which must be taken or forfeited within sixty (60) calendar days after the holiday worked and at a time approved by their department head. If an employee resigns or is terminated, he/she will be paid for holidays not taken within the sixty (60) day period.

Upon termination, a floating holiday that was not taken will be unpaid. An employee must work 6 months before becoming eligible for the floating holiday.

Firefighters on 24-hour shifts will receive six 24-hour work periods as holidays which must be approved by the Fire Chief. Firefighters will accrue at ½ shift per month. Upon termination, firefighters will not be paid for unused holidays accrued 61 days prior to termination.

All holiday time must be taken by September 30 of each year.

SECTION 8 LEAVES OF ABSENCE

8.1 Leave with Pay:

For certain reasons, special leave with pay may be granted. An employee may apply for a short leave to attend an approved convention, conference, or short training course, which will be of mutual benefit to the employee and the City. Each request must be approved by the City Manager.

When leave with pay is granted to attend to matters related to City affairs, travel expense advance may be approved by the City Manager. An employee will be given \$45 per day. Any expenses over \$45 will need to be turned in along with the receipts to the Department Head for approval. The employee will receive additional reimbursement if necessary after approval by the Department Head and City Manager.

When a firefighter on 24-hour work periods attends a school at the request of the Department Head, he will be paid for the number of shifts missed.

8.2 Leave without Pay:

Special leave may be granted without pay. If such a request for leave is for less than five working days (Fire Department two shifts), the department head may grant it upon evidence of adequate justification. Leaves without pay for longer than five days must also be approved by the City Manager.

8.3 Family and Medical Leave:

The City of Snyder complies with the provisions of the Family and Medical Leave Act ("FMLA") of 1993, which provides that eligible employees may take leaves of absence for specific reasons.

Family and Medical Leave Act (FMLA)

*FMLA applies to any public or private employer with 50 or more employees, as well as to all public agencies, and public and private elementary and secondary schools, regardless of number of employees

A covered employer must post a notice in the workplace concerning the FMLA and how employees may qualify under its provisions (click [here](#) for the official poster from the U.S. Department of Labor (PDF))

*Even though all governmental (public) employers and all elementary and secondary schools are covered employers regardless of how many employees they have, individual eligibility requirements may still render an employee ineligible to take FMLA leave - see the following item

*To be eligible, an employee has to have worked at least 1250 hours within the last 12 months; has to have worked at least 12 months' total time for the employer; and be employed at a facility at which at least 50 employees are employed within a 75-mile radius - due to the 1250-hour requirement, many part-time employees will not be eligible for FMLA leave - however, state FMLA laws may have lower requirements - Texas does not have an FMLA-style law, so only the federal law applies

*Time spent in military duty counts toward both the hours worked and tenure requirements - for details, see the article titled "[Legal Issues for Military Leave](#)" in this book

The reason for the absence must be the serious medical condition of the employee or of a member of the employee's immediate family; the birth or adoption of a child or the placement of a foster child in the home; or "any qualifying exigency" associated with the employee's spouse, child, or parent being on active military duty, or having been notified of an impending order to active duty, in support of a contingency operation (the U.S. Department of Labor has not yet issued a regulation defining "any qualifying exigency" (which generally means an urgent or emergency situation), but enforcement of this latter provision is on hold pending issuance of a rule by DOL; in the meantime, employers are urged to voluntarily comply with such a leave request - see DOL's poster on the new law at <http://www.dol.gov/esa/whd/finla/NDAAAamndmnts.pdf> (PDF))

*The employer must make up to 12 weeks of paid and/or unpaid leave during a year available to such an employee

New military caregiver leave: up to 26 weeks of paid and/or unpaid leave during a year is available to an employee whose spouse, child, parent, or "next of kin" (nearest blood relative) is recovering from a serious illness or injury suffered in the line of duty while on active military duty; the law that created this category of FMLA leave also put an outside limit of 26 weeks of all types of FMLA leave in a "single 12-month period" - see <http://www.dol.gov/esa/whd/finla/NDAAAamndmnts.pdf> (PDF) (note: there is no guidance yet on how the "single 12-month period" corresponds to the various methods allowed under FMLA regulation [29 C.F.R. § 825.200\(b\)](#) for determining the 12-month period during which FMLA leave is taken)

*The leave can be all at once or intermittent, even 2 or 3 hours at a time, but intermittent leave all goes toward the 12-week limit

*It is best to give employees prompt written notice that they are on FMLA leave and that they must keep in touch with the employer at regular intervals specified by the employer - the return date can be specified or left open

*FMLA leave cannot be counted against an employee under a "no-fault" or "point system"

*Important for compliance with Texas Payday Law limitations on wage deductions: if the employer is to make payments on behalf of the employee to keep the health insurance plan in effect during the FMLA leave, the employer should make sure to have the employee sign a written agreement that any money so paid will be regarded as an advance against future wages owed and will be repaid in installments deducted from future paychecks

*FLSA problem - docking exempt workers for time missed

*Executive-, administrative-, and professional-exempt workers must meet the "salary basis" test - for all employers in the private sector, partial-day deductions from salary will destroy the salary basis for the exemption

*The only exception to that rule is for a situation covered by the FMLA - in that case, hourly docking of pay or leave time would be allowable, but careful documentation must be maintained - this exception only works if the employer, the employee, and the situation are all covered by the FMLA!

8.4 "Bonus" Vacation:

Regular employees who do not use any sick leave during the fiscal year from October 1 through September 30, will receive three additional working days of "bonus" pay or three additional days of vacation. Fire Department employees, who have not used any of the 6 shifts accumulated during the year, can earn an additional \$75.00 or 1-1/2 shifts of vacation time. Bonus pay will not exceed a rate of \$25.00 per day. The employee will have the following 12 months in which to take the bonus days.

Employees who are awarded an Employee-Of-The-Month Certificate receive an 8-hour vacation day for most employees or ½ of a shift (12 hours) for firemen. This additional EOM vacation time must be taken within 12 months after receipt.

8.5A Sick Leave:

The use of sick leave is a privilege, not to be abused by employees. A regular employee may accumulate one (1) day sick leave for each consecutive month of service. Fire Department employees on 24-hour shifts, earn ½ shift (12 hours) per month. Any unused sick days will be transferred to the employee's sick bank at the end of the fiscal year. Any employee who is suspected of abusing sick leave may be required to provide a doctor's verification of illness.

Department Heads may authorize the use of current unused sick leave in cases of serious illness of a member of an employee's household, which necessitates his/her personal care or attention.

Department Heads may grant the use of current unused sick leave in cases of serious illness of an employee's relative other than his immediate household not to exceed four (4) days during one calendar year.

The Fire Chief may grant one 24-hour period per year of sick leave usage for serious illness for firefighters.

No sick leave will be paid upon termination.

Illness flowers will be sent by the Personnel Department to an employee while in the hospital.

8.5B Influenza Leave Policy:

The following policy is intended to bridge the gap for our employees who may experience illness as a result of the current influenza season. This policy is intended to lessen the penalizing impact of the illness against our current sick leave policy and the resulting financial strain it could cause to all of our employees. This policy also intends to lower the incidence of influenza transmission among coworkers.

This policy is applicable to all regular full time employees effective retroactively to October 1, 2009 until the end of the flu season, based on the date determined by the Centers for Disease Control. Employees, who become ill with influenza, will be paid up to a scheduled work week. This does not affect the employee's current sick leave, or sick bank. Any unused influenza leave will be removed at the end of the flu season. Influenza leave time does not include situations

requiring Medical Leave due to disability and any influenza absence which exceeds a scheduled work week will be subject to consideration of current sick leave, or sick bank. An employee caring for a family member in their immediate family with influenza will be allowed to use the leave to care for such dependent(s) to minimize the spread of the influenza. An employee who arrives at work looking ill, or displays flu-like symptoms, shall submit to a "thermometer test" and will be sent home if the employee's temperature is 100 degrees or greater. The end of this policy is subject to change based on the Centers for Disease Control recommended calendar.

8.6 Long Term Illness Bank:

- A. Each regular employee may accumulate a maximum of 180 days in his/her sick leave bank. Firefighters may accumulate sick bank leave up to a maximum of 90 24-hour periods and shall be charged for sick leave on the same basis. A doctor's statement will be required when an employee uses his/her sick leave bank. An employee may use his/her sick leave bank beginning on the fifth consecutive working day of absence (third consecutive shift for firefighters) due to the employee's illness or that of a family member's illness (Family members include employee's spouse, son or daughter, or parent).
- B. No accumulated sick leave or sick leave bank will be paid upon termination.
- C. Under certain conditions to be approved by the supervisor, an employee or employees may contribute long-term illness days to another employee.

8.7 Bereavement Leave:

Department heads may grant bereavement leave with pay for not more than three working days in any one anniversary year to employees in case of death of a member of the employee's family to the second degree of consanguinity and the second degree of affinity. Bereavement leave for firefighters will be granted on the basis of one 24-hour period per year. To be eligible for bereavement leave the employee must attend the funeral.

Bereavement flowers will be sent by Personnel to the employee's family to the first degree of consanguinity.

8.8 Injury or Accident Leave:

In the event that an employee who, without misconduct, negligence, or contributory negligence on his part, is injured by external and violent means while engaged in the actual performance of his duties; and said employee is temporarily and totally incapacitated from performing productive City work as a direct result of such injury, said employee shall be eligible for benefits under provision of Texas Employer's Liability and Worker's Compensation Insurance Law.

- A. If an employee is not capable of working after an on-the-job injury, the City will pay the employee his/her regular salary for the first seven days, before Worker's Compensation benefits begin. Should the employee be paid by Worker's Compensation for that first seven days at a later date, he/she shall reimburse the City.
- B. The City will pay supplemental benefits which will be the difference between the employee's regular base salary and the amount received by the employee under Worker's Compensation not to exceed the following:
 - 1. 30 working days at regular base salary.
 - 2. The City Manager may, in extreme cases, extend this period to 90 working days.
 - 3. After 90 working days, the employee will be paid by Worker's Compensation only,

unless compensation is extended by the City Council.

Employees who are absent due to injury leave will not accumulate vacation or sick leave time while they are absent.

Absences due to work-related injuries will be counted as FMLA leave.

8.9 Military Leave:

As required by the Uniformed Services Employment and Reemployment Rights Act of 1994 (“USERRA”), City applicants and employees who apply or perform military service, whether on a voluntary or involuntary basis, will not be denied initial employment, reemployment, retention in employment, promotion or any benefit of employment on the basis of the performance of military service.

Eligible military service includes performance of a duty on a voluntary or involuntary basis in a uniformed service, including active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, and a period of time for which the employee is absent to determine fitness for duty.

Any employee who enters the uniformed services of the United States will be granted a military leave of absence. To qualify for reemployment, an employee must have:

- Given the City written or verbal notice in advance of service, unless the giving of notice is precluded by military necessity;
- A cumulative length of absence, including any previous military absence while employed by the City, which does not exceed five years; and
- Applied for reemployment with the City according to these guidelines:

Length of Period of Service	Reapply No Later Than
Less than 31 days	Next regular work day after completion of service and time to travel from place of service to residence, plus eight hours.
More than 30 days, but less than 181 days	Fourteen days after completion of service.
More than 180 days	Ninety days after completion of service.

Upon reemployment, the employee will be placed in the position he or she would have attained were it not for the break in employment, unless the employee is not qualified to perform that job and cannot be trained through reasonable efforts of the City. If not so qualified, the employee will be placed in the position the employee held when the military leave commenced, or a position of like seniority, status and pay. If a disability incurred during or aggravated by military service prevents the employee from performing the job he or she would have held were it not for the break in service, despite the City’s efforts at reasonable accommodation of the disability, the employee will be placed in a position of like seniority, status and pay, if one is available. If no such position is available, the employee will be placed in a job which is the nearest approximation of like seniority, status and pay.

Military leaves are unpaid, but the employee may use accrued vacation pay during the absence.

Employees will be allowed to continue health care insurance coverage at their current level of coverage by paying the employee portion of the insurance premium during the absence. Coverage will continue until the earlier of (1) twenty-four months from the date the military absence began; or (2) the day after the date on which the employee was to have applied for reemployment, as defined above. Upon reemployment, any break in employment due to military service will not be treated as a break in service for purposes of determining forfeiture of accrued benefits and accrual of benefits under any retirement plan.

8.10 Jury/Witness Duty:

An employee who is called to serve on a jury will be granted time off to fulfill his or her civic duty. The employee should submit a copy of the jury summons to his or her supervisor in order to be eligible for jury leave. An employee who submits a statement from the court detailing the dates served and the amount paid will be paid his/her regular pay. The employee will be required to sign over the jury duty check.

The employee may elect to use accrued vacation or compensatory time. An employee who receives a subpoena to serve as a witness in a civil, criminal, legislative, or administrative proceeding, not related to his/her job duties, will be given time off without pay to comply with the subpoena.

SECTION 9 CONDUCT

9.1 General:

City employees at all times are expected to behave in a manner reflecting favorably upon the City.

9.2 Relations with City Council:

Employees are urged to be respectful, courteous, and cooperative with the Mayor and Council Members.

The City Charter provides in Section 32 that "...the City Council and its members shall deal with the administrative services solely through the City Manager and neither the City Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately."

City employees receive directions and instructions from the City Manager or his designee. Violation of this Charter provision may be grounds for dismissal from the service of the City.

9.3 Outside Employment:

The City does not wish to control the personal affairs of its employees or regulate their personal time. However, because outside activities such as holding a second job may interfere with, or detract from, an employee's work on behalf of the City, work for other employers is strongly discouraged in most instances. Such employment must be requested in writing and approved in advance in writing by the Supervisor for whom the employee works. Employees will not be permitted to hold another job that might result in a conflict of interest (or potential conflict of interest) or result in anything less than a satisfactory performance of the employee's regular and normal duties on behalf of the City.

9.4 Rules of Conduct:

To ensure orderly operations and provide the best possible work environment, the City expects employees to follow rules of conduct that will protect the interest of the City and the safety of all

employees and citizens.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that will likely result in disciplinary action, up to and including termination of employment.

Violation of City Charter or City Ordinance

- * Theft or inappropriate removal or possession of another's property
- Falsification of timekeeping records
- Failure to report injury, accident or damage to City property
- * Reporting for or working under the influence of alcohol or illegal drugs
- * Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating City-owned equipment
- Immoral conduct or lack of personal integrity
- Sexual or other unlawful harassment
- Excessive absenteeism or tardiness or any absence without notice
- Violation of smoking policy
- * Drinking of intoxicants while on duty
- Violation of safety or health rules
- Unauthorized disclosure of confidential information
- Violation of personnel policies
- Failure to be considerate of co-workers
- Unsatisfactory performance or conduct
- Fighting or threatening violence in the workplace
- * Violation of criminal law
- Disruptive activity in the workplace
- Negligence or improper conduct leading to damage of City or citizen-owned property
- Discourteous treatment of any citizen
- * Insubordination or other disrespectful conduct
- Accepting gifts, goods, gratuities, or services

* Means immediate termination

Attendance and Punctuality

To maintain a productive work environment, the City expects employees to be reliable and punctual in reporting to work. Absenteeism and tardiness place a burden on the City and on your co-workers. In the rare instances when you cannot avoid being late to work or are unable to work as scheduled, you must personally notify your supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment. In most instances, any employee who fails to report for work for three (3) consecutive days without notifying his or her supervisor will be considered to have voluntarily resigned.

Inclement Weather Policy

Except for extraordinary circumstances, our offices DO NOT CLOSE. In the event of inclement weather, employees are expected to use their good judgment and are not asked to take unnecessary risks. If City officials close City offices due to bad weather, full-time employees will have an excused absence, with pay. If the City is not officially closed, absences due to weather will not be excused and any employee who fails to report to work will be charged vacation time for days missed. If an exempt employee has no accrued vacation time, he or she will be required to make up the missed time at a later date.

Telephones

Each employee should be mindful that telephones are for business purposes. Personal calls should be brief and kept to a minimum. Employees must reimburse the City for any charges resulting from their personal use of City telephones.

Smoking

In keeping with the City's intent to provide a safe and healthful work environment, smoking is prohibited throughout the workplace, except in designated areas. This policy applies equally to all employees, citizens, and other visitors.

Dress

All employees are expected to dress in an appropriate manner when in the office and while out of the office on City business. All clothing must be clean, pressed and non-tattered. If you have any questions about what is appropriate to wear, please ask your supervisor or the Personnel Director.

SECTION 10 DISCIPLINE

10.1 Reprimands:

A supervisor may issue a verbal or written reprimand to an employee who violates City or Departmental policies or practices. All written reprimands should be signed by the employee, a copy given to the employee, and the original placed in the employee's personnel files.

10.2 Suspension:

- A. An employee may be suspended with or without pay immediately and relieved of all responsibilities pending completion of an investigation into alleged violation of City policies.
- B. An employee may be suspended without pay for violating the City's or department's policies or practices.

10.3 Dismissal from Service:

Any employee may be dismissed after approval by the Department Head or Superintendent and shall be removed from the payroll immediately upon such dismissal. Any wages owed the employee will be paid on the next pay day following the dismissal; provided said employee has returned any City property in his possession.

10.4 Demotion:

An employee may be demoted for violating the City's or department's policies or practices.

10.5 Disciplinary Actions:

In certain instances, the City will use a progressive disciplinary system. The City is not obligated to use all of the progressive disciplinary steps available to it, and may begin the disciplinary process at any level, up to and including immediate discharge, depending upon the severity of the conduct. Depending on the circumstances of each individual case, disciplinary action may consist of one or more of the following: oral warning, written reprimand, suspension (with or without pay), demotion, or discharge.

Where disciplinary action includes discharge, the employee will be given an opportunity to

respond to the allegations prior to disciplinary action being taken.

10.6 Appeal from Dismissal:

Any employee who desires to appeal his/her termination by the City may utilize the following procedure:

The employee will submit a written appeal to the City Manager. The City Manager will set a date within two weeks of receipt of the employee's written appeal to discuss the grievance with the employee. Within one week after the meeting, the City Manager will give written notice to the employee of his decision. This will be final disposition of the matter.

SECTION 11 TERMINATION

11.1 Resignation:

An employee who resigns his or her position with the City shall be deemed to be terminated in good standing if he or she gives at least two weeks notice to his/her immediate supervisor of his or her intention to resign and if other circumstances of the termination are such as to justify good standing, i.e. ---all City property has been returned.

11.2 Abolition of Position and Reduction in Force:

The City Manager may require the abolition of any position or reduction in force. When a reduction in force occurs, employees holding similar positions will be considered for retention. Selection will be based first on past performance, second on ability to perform remaining work, and third, if necessary, seniority of service.

SECTION 12 EMPLOYEE TRANSPORTATION AND SAFETY

12.1 Use of City-owned Vehicles:

A City-owned vehicle should be used for city business only. Employees who are subject to call at any time may take vehicles home with them at night with Supervisor's authorization, but should not use the City vehicles for personal business except for police employees assigned take-home vehicles. Vehicle operators are required to have a valid and appropriate license for the appropriate vehicle.

Employees operating City vehicles are expected to observe all traffic laws and dictates of common sense. When citizens observe City employees violating traffic laws, much harm is done to City public relations.

12.2 Use of Private Vehicles:

Some employees are required to use their personal vehicles in City business. Such employees will be paid a monthly car allowance, or will be paid mileage when they make out-of-town trips.

12.3 Accidents Involving City-owned Vehicles:

If, while operating a City vehicle, an employee is involved in an accident that results in personal injury or property damage, the employee shall:

----Notify the proper law enforcement authorities immediately.

----Insist that all parties and property concerned remain at the scene of the accident until officers can investigate.

- Report the accident, no matter how small, to the concerned department head.
- Do not discuss the accident with anyone but the investigating officer or department head.
- Report to hospital for drug test in no more than first two hours.

12.4 On the Job Injury:

An employee who is injured on the job should report it at once to his or her supervisor. All accident reports shall be submitted to the personnel office within 24 hours after the accident.

Any incident involving personal injury or property damage must be reported to the supervisor immediately. An employee involved in any incident resulting in personal injury or property damage will be required to submit to a drug and/or alcohol test within 2 hours after the accident.

Worker's Compensation Insurance benefits are applicable to on-the-job injuries and resulting disability of all City employees. Benefits will be in accordance with the provision of the Texas Employer's Liability and Worker's Compensation Insurance Law. The application and administration of this arrangement shall be handled by the Personnel Department in accordance with operational and procedural rules issued by the City Manager.

SECTION 13 BENEFITS

13.1 Social Security:

The City jointly participates with the employee in FICA (Social Security).

13.2 Texas Municipal Retirement System:

All regular, full time City employees who are eligible shall participate in the Texas Municipal Retirement System (TMRS) with a 7% contribution rate. The City of Snyder contributes at a 2 to 1 ratio with employees to the TMRS. Participation begins with the first pay period.

13.3 Health & Life Insurance:

The City provides a life and medical insurance plan for employees. Employees may pay the cost of including their families in the group plan. The City's plan is periodically reviewed to provide adequate coverage.

13.4 Uniforms:

The City will furnish uniforms or will make allowances for those employees who must wear uniforms in performing their duties. Upon separation any uniforms not returned will be deducted from employee's last pay check.

13.5 Longevity pay:

To encourage dependable, long-term employees, all full time employees receive longevity pay at the rate of \$4.00 per month per year of service up to a maximum of \$100.00 a month.

An employee is eligible to receive longevity pay after 12 months of continuous service.

Only full time service with the City of Snyder will be considered in computing longevity pay. Former employees who are reemployed will receive longevity pay only for the actual time spent in the service of the City, including the duration of previous employment.

13.6 Incentives for Self-Improvement:

Employees desiring to continue their education must submit in advance and in writing to their department heads a request for reimbursement. The requested course must be directly related to the employee's present job and must improve the employee's job-related skills. If the department head and the City Manager approve the request, the employee will be reimbursed 100% of tuition, books and fees at the completion of the course of study; provided the employee receives a passing mark. Travel expense will not be allowed.

SECTION 14 DRUG AND ALCOHOL USE AND TESTING

14.1 Drug and Alcohol Abuse Policy:

It is the policy of the City of Snyder to provide employees with a workplace free of alcohol and drugs. Drinking or being impaired by alcohol while on the job, the abuse of prescription drugs, or the use of illegal drugs is inconsistent with the behavior expected of employees and subjects the City to unacceptable risks in the employee's ability to perform at a competent level, and to work place accidents or other failures that would undermine the City's ability to operate and provide services effectively and efficiently. Noncompliance with the policy set forth below may result in disciplinary action, up to and including termination of employment.

Definitions:

- Legal Drugs. Prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they were prescribed or manufactured, are excluded from the definition of "controlled substances" or "illegal drugs" under the terms of this policy. An employee who is prescribed or using legal drugs may continue to work as long as it has been determined that the employee does not pose a threat to his or her own safety, the safety of co-workers or others including vendors and customers, and that the employee's job performance is not significantly affected by the legal drug. Otherwise, the employee may be required to take a leave of absence. It is clearly understood that "legal drugs" are permissible only if such drugs are being used/consumed for the purposes intended.
- Controlled Substances/Illegal Drugs. A controlled substance and/or illegal drug is defined as any drug or controlled substance, the sale, possession or consumption of which is illegal, or a prescribed or over-the-counter drug which is legally obtained, but not being used for its intended purpose.
- Drug Testing/Screening. Testing for the presence of alcohol and/or drugs which may be done by a medical facility designated by the City.
- City Premises. City premises is defined as all City-owned or leased buildings and surrounding areas, such as sidewalks, walkways, driveways and parking lots under the City's ownership or control. City vehicles are covered by this policy at all times regardless of whether they are on City property at the time.

Testing:

- All applicants for employment shall be required to submit to and pass a controlled substance/illegal drug and alcohol screening as a prerequisite to employment. All offers of employment will be contingent upon a negative result to the test.
- The City will require drug/alcohol testing for reasonable cause, which shall include any accident which results in bodily injury requiring medical attention or property damage. The City shall also have reasonable cause to request testing if an employee demonstrates

reduced ability to perform work in a safe and productive manner such as aberrant behavior, impairment of physical or mental abilities, slurred speech, difficulty maintaining balance or any detectable level of alcohol or controlled substances/illegal drugs, or the discovery of drug paraphernalia in the workplace.

- All employees holding safety-sensitive positions will be subject to random testing for alcohol and controlled/illegal substances at any time. A list of safety-sensitive positions is attached as Exhibit A.
- Any employee returning from a leave of absence of more than 2 weeks due to illness or accident will be required to undergo a drug/alcohol test before returning to work.
- All employees who operate a commercial motor vehicle are subject to Department of Transportation controlled substance and alcohol testing. As a result, these employees will be subject to pre-employment testing, random testing, post-accident testing, reasonable cause testing, return to duty testing and follow-up testing.
- Testing procedures will comply with Department of Transportation regulations, to ensure the integrity of the processes, the validity of the test results and to ensure that results are attributed to the correct employee. A copy of the policy for DOT-covered employees is available from the Personnel Department.

Failure or refusal to participate in any such test, or to satisfactorily complete any such test, may result in the denial of employment, or may result in employee discipline, up to and including, immediate discharge. Those asked to submit to an alcohol test or drug test will be expected to sign a form consenting to the test.

1. The following behavior is prohibited and will subject an employee to disciplinary action, up to and including termination of employment:
 - A. Use, sale, attempted sale, consumption, purchase, attempted purchase, possession, or transfer of alcohol while on City property or in City vehicles during the individual's business day.
 - B. Use, sale, attempted sale, consumption, purchase, attempted purchase, possession, or transfer of an illegal drug on City Property, or while operating a City vehicle.
 - C. Being subject to the effects of, or under the influence of, alcohol or an illegal drug while at work, or while on City property, or while operating a City vehicle.
2. Employees who believe, or have been told, that their use of a legal medication may present any sort of safety threat, is to report such drug use to their Department Manager or the Personnel Director to ensure the safety of themselves, other employees, City property, and City vehicles.
3. An employee may be found to have engaged in prohibited behavior involving alcohol or illegal drugs based on any appropriate evidence including, but not limited to:
 - A. Direct observation;
 - B. Evidence obtained from an arrest or criminal conviction;
 - C. A verified positive test result;
 - D. An employee's voluntary admission;
 - E. Abnormal, unusual, or dangerous conduct that creates a reasonable suspicion that an individual has engaged in the behavior prohibited by this policy;
 - F. Inspection of an employee's person and property including, but not limited to, an

employee's desk, file cabinet, purse, or container. An employee's entry upon City property or operation of City vehicles shall be considered consent to such inspections. Failure or refusal to submit to a requested inspection will be considered insubordination, which may result in disciplinary action or immediate discharge.

4. The City reserves the right to test an employee based on reasonable suspicion that the employee has engaged in behavior prohibited by this policy, or as a follow-up procedure where the employee previously has tested positive, or has completed a drug rehabilitation or counseling program. The City may also conduct random tests of any employee for alcohol or drugs, if the employee is engaged in a safety-sensitive job, or has tested positive previously.
5. An employee testing positive on an alcohol or drug test, or otherwise found to have engaged in behavior prohibited by this policy, will be subject to disciplinary action, which may include termination of employment for the first offense. Such decisions will be made on a case-by-case basis. Such employee may also be removed from safety-sensitive positions, or positions involving access to confidential information, the health and safety of others, or a high degree of trust and confidence, until as the City determines that the employee can perform his or her job assignments without posing a risk.
6. For the first occurrence, an employee will be eligible for a temporary leave of absence (up to one month) without pay while participating in an appropriate alcohol or drug abuse treatment or rehabilitation program. The employee must first use any available sick leave and vacation time before being eligible for a leave of absence. Failure to follow prescribed treatment and, if applicable, improve attendance or work performance to an acceptable level, may be grounds for termination. An employee who undergoes treatment for drug or alcohol abuse must undergo a fitness for duty examination prior to returning to work. Upon return to work, employees will be subject to random testing for a period not to exceed 60 months.
7. Refusal to submit and consent to a drug or alcohol test will be treated in the same manner as a positive test result. An employee who distributes, is in possession of, or uses unauthorized controlled illegal drugs or alcohol on City property or while conducting City business will be terminated. The City will notify local law enforcement officials of any illegal drug or drug paraphernalia found on the premises, surrender these items to the custody of these officials and cooperate fully in the prosecution of the individuals involved.

While the City does not sponsor or endorse any specific drug or alcohol treatment program, such programs are available through public and private health care facilities in our area. In addition, the group health insurance provides coverage. The City does not offer or require participation in drug and alcohol abuse education and training programs. However, various public and private facilities in our area offer such programs and affected employees are encouraged to seek assistance.

14.2 Searches:

In connection with this policy, the City may search any area on the premises at any time, for the presence of alcohol, drugs and drug paraphernalia prohibited under this policy. Applicants and current employees agree, as a condition of continuing employment, to consent to searches, including but not limited to (1) searches of their person and personal belongings, including but not limited to, purses, briefcases, backpacks, and lunch boxes; (2) searches of work areas, including but not limited to desks, cabinets, lockers, storage areas; and (3) all vehicles on the City premises. An employee who refuses to consent to a search will be subject to disciplinary action, up to and including immediate termination without warning. Searches of an employee's person or clothing

will be conducted privately by a Law Enforcement Officer of the same sex as the employee being searched.

14.3 Drug Statute Conviction:

Employees who are convicted of a drug or alcohol-related violation of state or federal law, or who plead guilty or nolo contendere to such charges, must inform the Department Head or the Personnel Director within five days of such conviction or plea. Failure to do so will result in disciplinary action, which may include termination of employment for an offense. Employees convicted, pleading guilty or nolo contendere to such drug or alcohol-related violations must successfully complete a drug abuse assistance or similar program as a condition of continued employment or reemployment.

As a condition of employment, any employee who is convicted of the violation of any criminal drug statute for a violation occurring in the workplace must report such conviction to his or her supervisor no later than five days after such conviction. The City will then notify any federal agency with which it has a contract no later than ten days after receiving notice of the criminal drug statute conviction from the employee or other source.

SECTION 15 E-MAIL AND INTERNET POLICIES

15.1 General:

The City of Snyder provides e-mail and Internet access to City employees. In order to make the best use of the technology and maintain a professional environment, every employee of the City of Snyder must become familiar with and acknowledge the policies of the City of Snyder relating to e-mail and the Internet.

15.2 Purpose:

This document defines the policies of the City of Snyder regarding:

- A. Appropriate use of electronic messaging systems
- B. Dissemination of information sent, received or stored via electronic mail systems
- C. Monitoring of electronic messaging system and Internet access, and privacy of information
- D. Internet access

15.3 Applicability:

These policies apply to all employees and all operations of the City of Snyder. They further apply to all persons, (i.e. businesses, entities, associations, individuals and others) who are granted access to the City's electronic mail system or access to the Internet through the City's computer systems. Violations of these policies may result in disciplinary action, including dismissal.

15.4 Responsibilities:

Persons, whether employees or others, granted or gaining access to the City's systems shall be responsible for complying with the City's electronic messaging and Internet policies.

City management personnel and employees are responsible for informing persons granted access to City systems of, and secure their agreement to comply with, the City electronic messaging and Internet policies.

The City Data Processing Department has the authority to monitor activity on City systems, including electronic messaging systems and use of the Internet. The results of monitoring activities

and the information obtained through them will be disclosed only to appropriate levels of City management on a need-to-know basis. Suspected violations will be reported to the Personnel Director.

The Data Processing Department and Personnel Department will be responsible for investigating suspected violations of these policies and reporting the results of those investigations to appropriate levels of management for appropriate action.

15.5 A. Use of Electronic Messaging Systems:

The City's electronic messaging systems, like other computing resources, are intended to be used only to conduct City business. Non-business use of these systems may be authorized only by managers for projects related to City sponsored education and training or community support. The City will tolerate incidental and occasional personal use of its electronic mail systems provided that such use does not adversely affect business uses and productivity, and does not involve unlawful or unprofessional activities, including, but not limited to, those prohibited activities specified below.

Prohibited Activities

The following are examples of the City electronic mail systems uses that are prohibited:

- Unauthorized dissemination of confidential documents or information
- Transmission of confidential employment or personnel information relating to internal complaints, investigations, or confidential disciplinary matters
- Dissemination of information or data restricted by government laws or regulations
- Dissemination, including printing, of copyrighted materials, including articles or software, in violation of copyright laws
- Forwarding of electronic mail messaging without a legitimate business purpose under circumstances that are likely to lead to embarrassment, injury or harassment of any person or to violate a clearly expressed desire of the sender to restrict additional dissemination
- Any use that may be disruptive, offensive to others, or harmful to morale including:
 - Transmission containing ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs
 - Sending or soliciting sexually-oriented messages or images
- Operating a business or conducting activities for personal gain
- Sending chain letters

B. Monitoring of Electronic Messaging Systems and Privacy of Information

All information on City owned, leased or controlled computer systems and equipment, including electronic mail, is the property of the City of Snyder. Therefore, to ensure that City computing resources are used in accordance with City policy, City management may, without advance notice at any time, inspect and disclose the contents of such equipment and electronic messages. **This monitoring activity precludes the expectation of privacy.** Violations of the City's policy, including violations discovered by monitoring or auditing activities, may be grounds for

disciplinary action. In addition, illegal activities discovered by monitoring or auditing activities may be brought to the attention of the appropriate government agency, or other persons.

It should be noted that electronic messaging systems, as well as other computer systems, are subject to the right of discovery in legal actions brought against the City. This means that outside parties may have access to the information stored on City systems, and as a result of the discovery process, such information may become public knowledge through no action of the City.

C. Internet Access

The City will provide access to the public Internet for the basic functions of e-mail, file transfer, and interactive terminal access, where the use of those services is necessary to accomplish the business goals of the City. The City has no control over the content of the Internet. Therefore, the City is not responsible for content that the viewer may find offensive or that may cause emotional distress. The Data Processing Department has the authority and ability to monitor Internet usage and sites contacted. There is no expectation of privacy when using the City Internet system.

All Internet access must be routed through the firewall gateway which is managed by the Data Processing Department.

The following rules must be observed when using the Internet:

- **Do not sign on to the Internet and leave your connection open when you are not actively using it.** There are costs associated with Internet access and your access limits the access of others, so disconnect when you are finished with your immediate work. The Internet connections we have established open extremely quickly, so this rule will not cause delay in your access when you need it.
- **Out-going transmissions are not automatically encrypted by the messaging system.** Therefore, if confidential or sensitive information is sent via the Internet it must first be encrypted.
- **E-mail attachments or files obtained through Internet are not scanned for known software viruses.** Individuals importing files are responsible for ensuring that files are free of viruses. Remember to scan for viruses frequently using the software on your desktop.
- **Internet use should be work-related.** Exploration of the Internet to discover useful resources is encouraged, but the City does not sanction connections to sites which contain material which may be offensive to others, including sites containing sexually-explicit material. The City has the right and ability to block access to any site, and may exercise that right at any time.
- **E-mail names are considered public information and can be advertised in any form, including printed on City employees' business cards.** The name must adhere to the City e-mail standards.
- **The use of Internet style signatures at the end of messages sent over the Internet is encouraged, but must be limited to the sender's name, City name, Internet style e-mail address, phone numbers, and fax number.**
- **When responding to List-Servs, Internet discussion groups, or any other correspondence in which the employee does not represent the City in authority or agency, a disclaimer should be written at the end of the message, or in the "signature"**

which reads: "The opinions stated here are mine, and do not represent those of my employer."

- You should assume that every Internet site that you visit will capture your electronic address which can lead them back to the City.
- You may only access the Internet from within our offices. Access to the Internet from a remote pc via a dial-in City host pc is prohibited unless specifically authorized by the City Manager.

SECTION 16 MISCELLANEOUS

16.1 Open Door Policy:

Any employee who has a question about the specific application of a City policy, rule or regulation as applied to him or her is encouraged to discuss that complaint with the immediate supervisor. The employee may also contact the Personnel Director if he or she has a question after discussing it with the immediate supervisor.

16.2 Personnel Records:

Important events in each employee's history with the City will be recorded and kept in the employee's official personnel file. Regular performance reviews, change of status records, commendations, corrective action warnings and educational and professional attainment records are examples of records maintained in your file.

Employees are responsible for keeping the Personnel office informed of any changes in name, address, home phone number, and family status (births, marriage, death, divorce, legal separation) and name and address of dependents (for benefits and tax withholding purposes only), beneficiary designations, persons to be notified in an emergency, educational accomplishments, and relevant certifications or licenses. This responsibility also applies to employees on leaves of absence.

The City relies on the accuracy of information provided by individuals in their resume and employment application, as well as other data provided throughout the hiring process and during employment. Any misrepresentations, falsifications, or material and/or purposeful omissions in any of this information may result in the exclusion of the applicant from further consideration for employment or, if the person has been hired, termination from employment.

Personnel files of employees are the property of the City and access to the information they contain is restricted. However, access to the information in an employee's personnel file may be subject to disclosure in accordance with the Texas Public Information Act.

16.3 Weapons Prohibition/Violence:

Threats of violence, bodily harm or physical intimidation by employees are not tolerated by the City and constitute grounds for discipline up to and including termination. In furtherance of this policy, weapons of any kind (*e.g.* handguns, rifles, shotguns, knives larger than 5-1/2", etc.), unless possessed by: 1) a certified law enforcement officer, 2) an employee in a position requiring the possession of a weapon in a City vehicle or, 3) an employee approved by the City Manager to carry a weapon in a City vehicle, are prohibited at the work place. All employees approved to carry weapons must have evidence of successful completion of a (Firearms Safety course) TCLOSE approved firearms training course. This prohibition includes concealed handguns, whether the individual is in possession of a permit or not.

Likewise, threats of violence, bodily harm or physical intimidation of employees in the workplace by individuals from outside the City will not be tolerated. Employees receiving a threat

should immediately notify their supervisor. The City reserves the right to require an evaluation by a mental health professional to determine continued fitness for duty.

16.4 Accepting Gifts:

Employees may not accept any gifts, goods, gratuities, or services. Violation of this policy will result in discipline up to and including termination.

16.5 Immigration Law Compliance:

The City is committed to employing only those individuals who are authorized to work in the United States and who comply with the requirements of the Immigration Reform and Control Act of 1986 (IRCA). Under IRCA, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form (I-9 Form) and present legally acceptable documentation establishing identity and employment eligibility. This must be done within 3 days of beginning employment. **Failure to provide the necessary documentation within 3 days will result in termination of employment.** Former employees who are rehired must also complete an I-9 Form if they have not completed an I-9 Form with the City within the past 3 years, or if their previous I-9 Form is no longer retained or valid.

Employees with questions regarding this policy should contact the Personnel office.

Human Resources

Theleca Wilson

573-9362

EXHIBIT A
SAFETY-SENSITIVE POSITIONS

1. Inspector
2. Code Enforcement
3. Community Service Supervisor
4. Meter Reader
5. Meter Repairman
6. Meter Reader/Repairman Supervisor
7. Police Department (excluding clerks)
8. Fire Department
9. Animal Warden
10. Water & Sewer Crew
11. Street Crew
12. Garage (excluding clerk)
13. Sanitation Crew
14. Landfill (excluding clerk)
15. Water Treatment Plant
16. Sewage Treatment Plant